

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE NEW YORK CITY DISTRICT COUNCIL OF
CARPENTERS PENSION FUND, ET AL.

Plaintiffs,

04 Civ. 2107 (GBD)

-against-

ORDER

TOTAL FURNITURE INSTALLATIONS, INC.,

Defendant.

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GEORGE B. DANIELS, DISTRICT JUDGE:

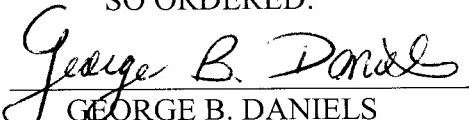
After entering a judgment of default in this action, the Court referred this matter to Magistrate Judge Michael H. Dolinger for an inquest. He issued a Report and Recommendation ("Report") recommending that the arbitrator's award to the plaintiffs' of \$53,327.08 be confirmed, as well as the arbitrator's grant of post-award accrual of interest at ten-percent per annum. Calculated at ten-percent per annum, the accrued prejudgment interest as of August 21, 2005, was \$9,686.53 which Magistrate Judge Dolinger recommended be awarded. Magistrate Judge Dolinger further recommended that attorney's fees in the amount of \$2,245.00 and costs in the amount of \$64.75 be awarded to plaintiffs and against defendant. In his Report, Magistrate Judge Dolinger advised the parties that failure to file timely objections to the report will constitute a waiver of those objections. Neither party filed objections to the Report and the time to do so has expired. 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

Where there are no objections, the Court is to accept the Report provided there is no clear error on the face of the record. Nelson v. Smith, 618 F.Supp. 1186, 1189 (S.D.N.Y. 1985); see also, Heisler v. Kralik, 981 F.Supp. 830, 840 (S.D.N.Y. 1997), aff'd 164 F.3d 618 (2d Cir. 1998). After reviewing the Report, the Court finds that the record is not facially erroneous. Therefore, the Court adopts the Report in its entirety.

Accordingly, it is hereby ordered that the Clerk of the Court enter judgment in accordance with the Report and Recommendation.

Dated: New York, New York
October 31, 2005

SO ORDERED:


GEORGE B. DANIELS
United States District Judge

